

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

LANDSCAPE CONSULTANTS OF
TEXAS, INC., and METROPOLITAN
LANDSCAPE MANAGEMENT,
INC.,

Plaintiffs,

v.

CITY OF HOUSTON, TEXAS, and
MIDTOWN MANAGEMENT
DISTRICT,

Defendants.

Civil Action No. 4:23-cv-03516

**PLAINTIFFS' FIRST SET OF REQUESTS FOR PRODUCTION OF
DOCUMENTS TO DEFENDANT CITY OF HOUSTON**

PROPOUNDING PARTY: **Plaintiffs Landscape Consultants of Texas, Inc.,
and Metropolitan Landscape Management, Inc.**

RESPONDING PARTY: **Defendant City of Houston**

SET NUMBER: **One**

Pursuant to Rules 26 and 34 of the Federal Rules of Civil Procedure, Plaintiffs Landscape Consultants of Texas, Inc., and Metropolitan Landscape Management, Inc., propound this First Set of Requests for Production of Documents to Defendant City of Houston in the above-captioned action. The City should direct service of its answers to Plaintiffs, through their counsel, as follows:

Erin Wilcox
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INSTRUCTIONS

1. In answering these Requests, you are required to furnish all information that is known or reasonably available to you, including information that is in your possession, custody, or control or in the possession, custody, or control of your attorneys, officers, agents, and employees.

2. You must produce documents as they are kept in the usual course of business or organize and label them to correspond to the requests. All electronically stored information (ESI) is to be produced as .tiff images with extracted text files and a load file.

3. If any of the requested documents were, or no longer are, in your possession, custody, or control, state the name, address, and telephone number of the present custodian of each document, or state whatever disposition was made of each document. Each document produced is to be produced in its original form or other container with all file labels, indices, tables of contents, summaries, or other organizing materials intact.

4. For each Request, the City's response must be either to produce responsive documents or state an objection to the Request, including all reasons for the objection. An objection to only part of a Request must specify which part is

objected to, and you should produce responsive documents to every other part of the Request and specify whether any documents are being withheld on the basis of that objection. If you object to any term in a Request as vague or unclear, you should assume a usual and reasonable meaning for the term, explain the meaning you are assuming, and respond to the Request.

5. If the City asserts a claim of privilege as to any documents sought by these Requests, for each privileged document, state the following:

- a. The type of privilege being asserted;
- b. The identity of any person who created, made, received, or is in possession of the document;
- c. A description of the document sufficient to enable Plaintiffs to assess the claim; and
- d. The basis upon which the document is asserted to be privileged from production.

6. The City is under a duty to amend and/or supplement a prior response if the City obtains information upon the basis of which: (a) the City knows that the answer was incomplete or incorrect when made; or (b) the City knows that the answer, though complete and correct when made, is no longer complete and correct.

7. These Requests are continuing in nature and responses must be amended and/or supplemented as further information becomes available.

DEFINITIONS

1. “Plaintiffs” means Landscape Consultants of Texas, Inc., and Metropolitan Landscape Consultants, Inc., the Plaintiffs in the above-captioned action.
2. “Defendant” or “City” refers to the City of Houston, a Defendant in the above-captioned action.
3. “You” or “your” shall mean and refer to the Defendant to whom these Requests are directed.
4. The words “and” and “or” shall be construed conjunctively or disjunctively as necessary to make the Requests inclusive rather than exclusive. The word “including” shall be construed to mean without limitation.
5. The use of the past tense includes the present tense, and the use of the present tense includes the past tense, so as to make the Request inclusive rather than exclusive.
6. The singular includes the plural, and the plural includes the singular.
7. The terms “refer” and “relate” as used herein mean evidencing, memorializing, referring, refuting, constituting, containing, discussing, describing, embodying, reflecting, identifying, mentioning, stating, or otherwise pertaining to in any way, in whole or in part, the subject matter referred to in the Request.
8. The term “including” shall be construed to mean without limitation.

9. The term “document” includes all documents and electronically stored information as described in Rule 34(a)(1)(A) of the Federal Rules of Civil Procedure and includes all “writings” and “recordings” as defined by Rule 1001 of the Federal Rules of Evidence.

10. The term “MWSBE” shall have the definition provided in Houston Code § 15-82.

11. The term “MWSBE Program” or “the Program” shall refer to the City of Houston’s Minority- and Women-Owned Small Business Enterprise Program.

12. The term “minority business enterprise” shall have the definition provided in Houston Code § 15-82.

13. The term “MBE” shall mean “minority business enterprise.”

14. The term “women business enterprise” shall have the definition provided in Houston Code § 15-82.

15. The term “WBE” shall mean “women business enterprise.”

16. The term “established business enterprise” shall have the definition provided in Houston Code § 15-82.

REQUESTS FOR PRODUCTION

Please produce or make available the following:

REQUEST FOR PRODUCTION NO. 1:

All documents identified in the City’s Initial Disclosures.

REQUEST FOR PRODUCTION NO. 2:

All documents, including manuals or guidelines, that the City has relied upon in making procurement decisions or awards from January 1, 2019, to present.

REQUEST FOR PRODUCTION NO. 3:

All annual, periodic, or other reports, studies, evaluations, or similar documents on the City's procurement awards from January 1, 2019, to present.

REQUEST FOR PRODUCTION NO. 4:

All reports, studies, evaluations, or similar documents on procurement outcomes for MWSBE firms (including any reports, studies, evaluations, or similar documents broken out by race, ethnicity, or sex) and non-MWSBE firms from January 1, 2019, to present.

REQUEST FOR PRODUCTION NO. 5:

All documents relating to investigations, inquiries, or reviews into alleged race, ethnicity, or sex-based discrimination in the award of specific City contracts from January 1, 2019, to present.

REQUEST FOR PRODUCTION NO. 6:

All requests for proposals, requests for qualifications, invitations to bid, and awarded contracts for research or consulting services related to alleged race, ethnicity, or sex-based discrimination in City procurement decisions or awards from January 1, 2014, to present.

REQUEST FOR PRODUCTION NO. 7:

All underlying data for any research or study relating to the City's MWSBE program, including all published and unpublished disparity studies, from January 1, 2019, to present.

REQUEST FOR PRODUCTION NO. 8:

All documents relating to procurement processes that would normally have resulted in a contract award to the lowest responsive and responsible bidder, but instead resulted in a contract award to a business other than the lowest responsive and responsible bidder, including the bid tabulation and any basis for the award, from January 1, 2019, to present.

REQUEST FOR PRODUCTION NO. 9:

All documents relating to or supporting each compelling interest identified in Interrogatory No. 4.

REQUEST FOR PRODUCTION NO. 10:

All documents relating to any draft, incomplete, or complete disparity study undertaken by Colette Holt & Associates for the City between January 1, 2016, to January 1, 2021, including monthly progress reports.

REQUEST FOR PRODUCTION NO. 11:

All documents relating to any draft, incomplete, or complete disparity study undertaken by MGT Consulting, from January 1, 2020, to present.

REQUEST FOR PRODUCTION NO. 12:

All documents relating to any former MBE or WBE that was re-classified as an established business enterprise pursuant to Houston Code § 15-87 from January 1, 2014, to present.

REQUEST FOR PRODUCTION NO. 13:

All documents relating to any appeals by established business enterprises under Houston Code § 15-88 and the outcome of each appeal from January 1, 2014, to present.

REQUEST FOR PRODUCTION NO. 14:

All documents relating to your response to Interrogatory No. 5.

REQUEST FOR PRODUCTION NO. 15:

All documents relating to your response to Interrogatory No. 6.

REQUEST FOR PRODUCTION NO. 16:

All documents relating to your response to Interrogatory No. 7.

REQUEST FOR PRODUCTION NO. 17:

All documents relating to your response to Interrogatory No. 8.

Dated: March 6, 2024.

Respectfully submitted,

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CERTIFICATE OF SERVICE

This is to certify that on March 6, 2024, a copy of the foregoing document was sent via electronic mail to the following individuals:

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s/ Erin E. Wilcox
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